

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

**ZACKERY D. LEWIS by his next friends;  
RICHARD YOUNG; LYNN G. HAINER,  
Administratrix of the Estate of ADDIE  
SMITH; SUSAN W. COLEMAN; KATHY A.  
BURGER; TRACY PALMER; KENNY  
ATKINSON by his next friend; BERNICE  
TATE by her next friend; MARY WAGNER;  
MICHAEL BIDZILYA by his next friend;  
WILLIAM ALGAR by his next friend;  
ANTHONY GALE by his next friends; THE  
ARC COMMUNITY TRUST OF  
PENNSYLVANIA; and THE FAMILY  
TRUST, on their own behalf and on behalf of  
all other persons similarly situated,  
Plaintiffs,**

**v.**

**GARY ALEXANDER, in her official capacity  
as Secretary of the Department of Public  
Welfare of the Commonwealth of  
Pennsylvania; ERIC ROLLINS, in her official  
capacity as Executive Director of the Erie  
County Assistance Office,  
Defendants.**

**Defendants.**

**CIVIL ACTION  
NO. 06-3963**

**ORDER**

**AND NOW**, this 22nd day of August, 2011, upon consideration of Plaintiffs' Motion for Summary Judgment (Document No. 49, filed July 10, 2008); Defendants' Cross-Motion for Summary Judgment and Opposition to Plaintiff's Motion for Summary Judgment (Documents No. 55-56, filed August 14, 2008); Plaintiff's Response in Opposition to Defendants' Cross-Motion for Summary Judgment (Document No. 57, filed September 22, 2008); Defendants' Memorandum Providing Supplemental Material (Document No. 58, filed November 12, 2008); Defendants'

Memorandum Providing Supplemental Authority (Document No. 59, filed December 30, 2008); Plaintiffs' Memorandum Providing Supplemental Authority (Document No. 60, filed December 30, 2008); Plaintiffs' Memorandum Providing Supplemental Authority (Document No. 61, filed February 3, 2009); Plaintiffs' Memorandum Providing Supplemental Authority (Document No. 62, filed April 3, 2009); Defendants' Memorandum Providing Supplemental Authority (Document No. 64, filed September 2, 2009); Plaintiffs' Memorandum Providing Supplemental Authority (Document No. 65, filed November 13, 2009); Defendants' Supplemental Memorandum Re: SSI Standards (Document No. 69, filed July 30, 2010); Plaintiff's Supplemental Memorandum Regarding the Application of the "No More Restrictive Methodology" Standard to "Special Needs" and "Pooled" Trusts (Document No. 70, filed August 2, 2010); Plaintiff's Memorandum Providing Supplemental Authority (Document No. 71, July 11, 2011); and Plaintiff's Memorandum Providing Supplemental Authority (Document No. 72, July 11, 2011); for the reasons set forth in the attached Memorandum, dated August 22, 2011, **IT IS ORDERED** as follows:

1. Plaintiff's Motion for Summary Judgment (Document No. 49, filed July 10, 2008) is **GRANTED IN PART AND DENIED IN PART**, as follows:
  - a. Plaintiffs' motion is **GRANTED** as to plaintiffs' challenges under 42 U.S.C. § 1983 and the Supremacy Clause to the following subsections of 62 Pa. Stat. Ann. § 1414:
    - i. (b)(1), the sixty-five year age limit;
    - ii. (b)(2), the special needs requirement;
    - iii. (b)(3)(ii), the reasonable relationship requirement;
    - iv. (b)(3)(iii), the fifty-percent payback requirement; and
    - v. (c), the enforcement provision.

- b. Plaintiffs' motion is **DENIED AS MOOT** as to plaintiffs' procedural due process challenge to trust termination under subsection (c) of 62 Pa. Stat. Ann. § 1414; and
  - c. Plaintiffs' motion is **DENIED** as to plaintiffs' challenges under 42 U.S.C. § 1983 and the Supremacy Clause to subsection (b)(3)(i) of 62 Pa. Stat. Ann. § 1414, the sole benefit requirement;
  - d. Plaintiffs' motion is **GRANTED** in all other respects.
2. Defendant's Motion for Summary Judgment (Documents No. 55-56, filed August 14, 2008) is **GRANTED IN PART AND DENIED IN PART** as follows:
- a. Defendants' motion is **GRANTED** as to plaintiffs' challenge under the Supremacy Clause to subsection (b)(3)(i) of 62 Pa. Stat. Ann. § 1414; and
  - b. Defendants' motion is **DENIED** in all other respects;
3. Subsections (b)(1), (b)(2), (b)(3)(ii), (b)(3)(iii), and (c) of 62 Pa. Stat. Ann. § 1414 are **PREEMPTED** by federal law; and
4. Defendants and their agents are **ENJOINED** from applying or enforcing subsections (b)(1), (b)(2), (b)(3)(ii), (b)(3)(iii), or (c) of 62 Pa. Stat. Ann. § 1414.

**BY THE COURT:**

/s/ Hon. Jan E. DuBois  
**JAN E. DUBOIS, J.**